IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33758 of 2006(R)

PETITIONER:

SASIDHARAN, S/O.LATE RAMAN,
MATHANPARAMBIL HOUSE,
VEROOR P.O., CHANAGANASSERY.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

1.CHANGANASSERY MUNICIPALITY,
OFFICE OF THE CHANGANASSERY MUNICIPALITY,
REP. BY ITS SECRETARY.

2.THE SECRETARY,
CHANGANASSERY MUNICIPALITY,
OFFICE OF THE CHANGANASSERY MUNICIPALITY,
CHANGANASSERY.

3.THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

R3 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.33758 of 2006

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Dated: 19th December, 2006

JUDGMENT

Government Pleader takes notice on behalf of the 3rd respondent.

2. The petitioner submits that he is the owner of 84 Ares and 53 Square metres of land in R.S.No.43 in Resurvey Block No.181 of Changanassery Village. His grievance is that though the 1st respondent-Municipality was moved for development permit in respect of 50 cents from out of the total holding of the petitioner, the Municipality is of the view that necessary permit from the third respondent-R.D.O. will have to be obtained first under the provisions of the Land Utilisation Order. The petitioner has filed Ext.P3 application before the third respondent. Under these circumstances, this Writ Petition will stand disposed of with the following directions:

The third respondent will take up Ext.P3, consider the same in the light of the various grounds raised in the Writ Petition, particularly the ground that several other items of properties also on the side of the Alappuzha-Changanassery road are permitted to be developed, and take a decision on Ext.P3 at the earliest and at any rate within one month of receiving a copy of this judgment together with a copy of this Writ Petition and all the exhibits. Once the third respondent

passes orders on Ext.P3, the petitioner will produce that order before the 2nd respondent who will thereupon take up Ext.P2 and pass orders on Ext.P2 and the application for development permit submitted by the petitioner at the earliest. If the third respondent feels that he is not inclined to grant permission to the petitioner, the third respondent will issue a hearing notice to the petitioner and hear him also before a decision is taken.

srd **PIUS C.KURIAKOSE, JUDGE**